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MEMO ENDORSED

VIA ECF

March 11, 2024

Hon. Jessica G. L. Clarke, U. S. D. J.
United States District Court Southern District of New York
500 Pearl Street, Courtroom 20C
New York, New York 10007-1312

Re: Jobar Holding Corporation, et als. v. David Halio

Case No.: 1:23-cv-11217 (JGLC) (GS)

Dear Judge Clarke:

This firm represents the Plaintiffs herein in the above-referenced case. We write this letter-motion in accordance with Section 2(a) of Your Honor's Individual Rules, and Fed. R. Civ P. 6(b)(1)(A), to respectfully request an extension of time until Thursday, March 28, 2024, for the Plaintiffs' to respond to Defendant's February 29, 2024 Motion to Dismiss. The motion is presently returnable March 24, 2024, for which our responses are presently due March 14, 2024.

In support of this first request for an extension of time, Plaintiffs submit that in addition to the short time initially provided for responding to the motion to dismiss, we have recently completed moving our offices and reorganized the offices and personnel assignments, including changes in my supporting secretary. My adversary refused my request for an extension, unless I stipulated to withdraw my motion to amend the complaint in a New York County Supreme Court case in which my adversary has not even filed a notice of appearance, despite promising that court that he would file his appearance more than a month ago. Moreover, my adversary knows that the judge in that case had invited the filing of the motion that my adversary demands I withdraw in order to obtain his consent to this two week extension. It is outrageous for my adversary in this case to threaten to oppose this request unless I accede to his demand regarding another case pending in another court. Moreover, when my adversary requested additional time to respond here, I did not object to his receiving an extension of more than a month of time to file the instant motion even though his time to respond had already expired because of what he described as his own "excusable neglect."

Accordingly, Plaintiffs respectfully request that the Court extend their time to respond to the Defendant's Motion to Dismiss from March 14, 2024 to March 28, 2024, and that the Defendant's reply papers be due on April 4, 2024.

I also wish this letter to be notification to the Court and to my adversary that the Plaintiffs intend to rely on the pleading being attacked in the motion to dismiss.

Plaintiffs thank the Court for its time and consideration in regard to this request by letter-motion.

Dated: New York, New York

March 11, 2024

Respectfully submitted,

SCARINCI & HOLLENBECK LLC

/S/ Dan Brecher, Esq.

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VIA ECF

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Attorneys for Defendant

Application GRANTED. Plaintiffs shall file their opposition to Defendant's motion to dismiss by **March 28, 2024**; Defendant shall file his reply in support of the motion to dismiss by **April 11, 2024**. The Clerk of Court is directed to terminate ECF No. 15.

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Dated: March 12, 2024

New York, New York